

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN EDWARD KIRBY,

Petitioner,

v.

WARDEN BREITENBACH,

Respondents.

Case No. 3:24-cv-00002-ART-CSD

ORDER

Before the Court is Petitioner John Edward Kirby's Motion for Leave to File Exhibits Under Seal (ECF No. 22). Kirby seeks leave to file under seal medical records contained in Exhibits 6–8 (ECF Nos. 23-1; 23-2; and 23-3). Respondents filed a non-opposition to sealing the exhibits. (ECF No. 24.)

The need to protect medical privacy generally qualifies as a “compelling reason” for sealing records in connection with a dispositive motion. *E.g., Abbey v. Hawaii Employers Mut. Ins. Co. (HEMIC)*, 760 F. Supp. 2d 1005, 1013 (D. Haw. 2010). The exhibits contain Petitioner's sensitive health information, including mental health evaluations, drug orders, and progress notes. Having reviewed and considered the matter in accordance with *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006) and its progeny, a compelling need to protect Petitioner's medical privacy outweighs the public interest in open access to court records. The Motion (ECF No. 22) is granted, and Exhibits 6, 7, and 8 (ECF Nos. 23-1; 23-2; and 23-3) are considered properly filed under seal.

Dated this 5th day of December, 2024.



ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE